



# COMPLAINTS MANAGEMENT POLICY AND PROCEDURES

## COMPLAINTS MANAGEMENT POLICY

### PURPOSE

The purpose of this policy is to provide an accessible, fair, transparent and efficient mechanism for addressing complaints by students, parents, staff, volunteers, visitors and members of the Matthew Flinders Anglican College ('College') community.

### SCOPE

This policy and associated procedures apply to all College staff, volunteers and visitors (including contractors) and relates to any student defined by the *Education (General Provisions) Act 2006*. Throughout this policy and the procedures, unless otherwise indicated, references to College staff include the Principal and all other employees.

This policy will not apply in the following circumstances:

- Alleged or suspected abuse or neglect of a child enrolled at the College, or inappropriate behaviours by a staff member or volunteer towards a child enrolled at the College, will be managed using the *Child Protection Policy and Decision Trees*.
- College policy or procedures will be used in the management of alleged workplace bullying, discrimination, physical assault, harm or harassment (*Respect and Inclusion Policy*).
- College policy or procedures, will be used in the management of workplace performance and behaviour (*Code of Conduct – Staff; Grievance Resolution Policy – Staff*).

### RESPONSIBLE PERSON

Principal

### IDENTIFIED STAKEHOLDERS

Board of Directors, Principal, Head of Secondary, Head of Primary, Director of Business and Operations

### ADDITIONAL AUTHORITY

The Complaints Management Procedures (the Procedures) support this policy, and outline the roles, responsibilities and processes that will be used when actioning this policy.

### Child Protection legislation

- Child Protection Act 1999

### Education legislation

- Education (Accreditation of Non-State Schools) Act and Regulations 2017
- Education (General Provisions) Act 2006

### DEFINITIONS AND REFERENCES

The Procedures contain information on relevant definitions and key terms (Appendix 1).

*Child Protection Policy and Decision Trees*

*Respect and Inclusion Policy*

*Grievance Policy – Staff*

*Code of Conduct – Staff*

This policy supports the rights of all children and young people, and is consistent with the Matthew Flinders Anglican College Statement of Commitment which reflects the College's responsibility for the safety, wellbeing and protection of its students.

The College consistently seeks to provide a safe and supportive living and learning environment for students, with staff, volunteers and visitors modelling and encouraging behaviours that uphold dignity, safety and wellbeing.

The College will respond to all complaints in a timely and comprehensive manner. The College will aim to create mutual understanding through dialogue and complaints management processes which will include clear communication with all parties.

The College will not penalise, discriminate or take action against any person, who in good faith, acting honestly and reasonably, raises concerns or complaints.

This policy and the procedures are based on the following principles:

- Respectful conduct, including seeking to achieve mutual understanding through dialogue.
- Accessibility, including the ability for any individual to make a complaint absent of penalty or discrimination.
- Procedural fairness, including the absence of victimisation, discrimination or retribution of any party.
- Clear and transparent communication including the accessibility of the Policy and the Procedures generally, and the provision of information to all parties about processes and outcomes associated with a complaint.

All complaints are to be responded to in a timely and transparent manner and managed in accordance with the complaints management processes outlined in the procedures. This includes ensuring:

- Reporting as required by legislation;
- All information disclosed or recorded as part of a complaints management process must be managed in accordance with privacy legislation and principles; and
- Learnings from complaints processes form part of the College's quality improvement planning.

The objectives of this policy are to:

- Provide students, parent(s), guardian(s) and/or College staff with the opportunity to access procedures to facilitate the making of and resolution of a dispute or complaint, including the process and circumstances for escalating through the College's complaints process.
- Make provision for an adequate records system to maintain all complaints and ensure that due process is followed.
- Provide and promote an approach responding to and investigating complaints that is:
  - transparent;
  - consistent;
  - timely;
  - responsible; and
  - private and confidential.
- Ensure complaints are dealt with in a fair and confidential manner that:
  - is absent of victimisation, discrimination or retribution;
  - includes natural justice principles; and
  - is independent of those handling the complaints process.

### **Complaints Relating to Non-Compliance of Child Protection Policy and Procedures**

If the complaint relates to the non-compliance of the *Child Protection Policy*, a complaint is to be made by writing to the Chair of Matthew Flinders Anglican College Board of Directors.

## COMPLAINTS MANAGEMENT PROCEDURES

These Procedures support the Complaints Management Policy ('the Policy') and provide direction to relevant persons regarding their role and responsibilities when actioning the Policy.

Any individual can make a complaint, including students, staff, visitors, parents, guardians or other members of the community.

Throughout the Procedures, unless otherwise indicated, the term 'College staff' includes the Principal and all other employees.

Information on definitions and key terms can be found in Appendix 1.

### PROCESS

All complaints in relation to an action, behaviour, omission or decision by a College staff member, or volunteer will be managed in accordance with the following complaints management process.

- Refer to **Specific Complaints Management Requirements** below for information about complaints in relation to visitors to the College, the Principal, members of the College Board of Directors and the Chairman of the Board of Directors.

#### Stage 1 - Discuss the matter with the relevant staff member or volunteer

Wherever possible, the complainant is encouraged, in the first instance, to discuss their complaint with the staff member or volunteer whose action, behaviour, omission or decision is in question. When resolving complaints at this stage:

1. the complainant is asked to speak with the staff member or volunteer and request a time to discuss their concern regarding the staff member or volunteer's action, behaviour, omission or decision;
2. the complainant and the staff member or volunteer may speak with a member of the College Executive about obtaining support during the complaints management process, as outlined herein;
3. if the Principal, or another member of the College Executive is not involved in the discussion, the staff member or volunteer is to:
  - a. inform the complainant about these Procedures and the Complaints Management Policy, and
  - b. offer to inform the Principal, or another member of the College Executive of the complaint raised, and the outcome of the discussion;
4. if the Principal, or another member of the College Executive is made aware of the complaint, they will:
  - a. ensure the complaint is documented; including the names of all parties involved, the nature of the concerns, the date and time of any discussion, the agreed outcomes and any required actions;
  - b. consider if any other policies, procedures or protocols are to be applied, particularly those referenced in the Complaints Management Policy regarding student protection and the conduct of staff and volunteers;
  - c. consider if it is appropriate to ensure the document outlining the management of the complaint is filed in the staff member or volunteer's personnel file and any agreed actions are completed;
  - d. consider whether the staff member or volunteer requires any additional training or support in relation to their role, or whether any other action is required; and
  - e. identify any issues or strategies to be incorporated in the College quality improvement planning.

When the complainant determines that it is not appropriate to discuss the complaint with the staff member or volunteer, or in doing so they do not believe their complaint has been addressed to their satisfaction, they are asked to proceed to Stage 2 of the complaints management process.

## **Stage 2 – Make a complaint to the Principal or another member of the College Executive**

When escalating a complaint to this stage, the complainant may raise their complaint with the Principal or another member of the College Executive either in writing or verbally. When resolving a complaint at this stage:

1. the complainant is asked to inform the Principal or other member of the Executive of their complaint: including the names of all parties involved, the nature of the concerns, any specific dates and times when incidents occurred, the complainant's feedback about their discussion with the staff member or volunteer, and the reason why the complaint remains unresolved;
2. the Principal or Executive member will:
  - a. consider if other policies, procedures or protocols (particularly those referenced in the Complaints Management Policy regarding student protection and the conduct of staff and volunteers) are to be applied;
  - b. speak with the staff member or volunteer and obtain further information about their actions in relation to the complaint;
  - c. advise all parties involved about support available to them during the complaints management process, as outlined herein;
  - d. organise meeting/s with the complainant, or their advocate, and the staff member or volunteer, as soon as practicable; to gather further information about the ongoing complaint and develop a plan to satisfactorily resolve the complaint;
  - e. explain to the complainant, or their advocate, and the staff member or volunteer that they may have a support person present during any meeting;
  - f. ensure meetings are documented, including the agreed outcomes and required actions;
  - g. consider whether the staff member or volunteer requires additional training or support in relation to their role, or whether any other action is required;
  - h. ensure the agreed outcomes and required actions are communicated to the complainant;
  - i. ensure the records related to the complaint, e.g. meetings, reports, letters etc. are filed on the staff member or volunteer's personnel file and any agreed actions are completed; and
  - j. incorporate relevant learnings into the College's quality improvement planning.

When the complainant determines that it is not appropriate to discuss the complaint with another member of the College Executive, or in doing so they do not believe their complaint has been addressed to their satisfaction, they are asked to contact the Principal.

When the complainant or their advocate determines that it is not appropriate to discuss the complaint with the Principal, or in doing so they do not believe their complaint has been addressed to their satisfaction, they are asked to proceed to Stage 3 of the complaints management process.

## **Stage 3 – Escalate the complaint to the Chair**

When escalating a complaint to this stage, the complainant may raise their complaint with the Chair of the College Board, either in writing ([chairman@mfac.edu.au](mailto:chairman@mfac.edu.au)) or verbally. When resolving a complaint at this stage:

1. the complainant is asked to inform the Chair of their ongoing complaint, including their feedback on previous meetings with the College and the reason why the complaint remains unresolved;
2. the Chair will:
  - a. consider if other policies, procedures or protocols (particularly those referenced in the Complaints Management Policy regarding student protection and the conduct of staff and volunteers) are to be applied;
  - b. advise the Principal and staff member or volunteer that the complaint has now been escalated and obtain further information about the matter and the College responses to the complaint, including copies of relevant documents or complaints management plans;
  - c. advise all parties involved about support available to them during the complaints management process, as outlined herein;
  - d. organise meeting/s with the complainant or their advocate, the Principal and other relevant staff members and volunteers as soon as practicable to gather further information about the ongoing complaint and, if required, develop a complaints management plan to resolve the

- issues;
- e. explain to the complainant and the staff member or volunteer that they may have a support person present during any meeting;
- f. ensure meetings are documented, including the agreed outcomes and required actions;
- g. consider whether the staff member or volunteer requires additional training or support in relation to their role, or whether any other action is required;
- h. ensure the agreed outcomes and required actions are communicated to the complainant;
- i. ensure the records relating to the complaint, e.g. meetings, reports, letters etc. are filed on the staff member or volunteer's personnel file and any agreed actions are completed; and
- j. incorporate relevant learnings into the College's quality improvement planning.

## **SPECIFIC COMPLAINTS MANAGEMENT REQUIREMENTS**

### **Complaints in Relation to Visitors to the College**

When a complaint is about a visitor to the College, the complainant is asked to inform the Principal or another member of the College Executive of their concerns including, where known, the name of the visitor, the organisation that the visitor works for, the names of any children involved, if relevant, and any dates and times of particular incidents related to their complaint.

The Principal or Executive member will consider if any other policies, procedures or protocols are to be applied, particularly those referenced in the Complaints Management Policy regarding student protection.

The Principal or Executive member will document the concerns and, unless the matter involves a criminal investigation, will forward the complaint to the organisation that employs the visitor who has been named in the complaint. If the matter does relate to a criminal investigation, direction will be sought from the Police.

The Principal or Executive member will also consider the nature of the complaint and determine whether this may impact any future visits to the College by the person named in the complaint.

If the matter is being managed by another member of the Executive, this member will brief the Principal as soon as practicable.

### **Complaints Concerning the Principal**

If the complaint relates to the Principal the complainant shall make an appointment with a member of the College Executive to discuss the matter (if appropriate) as soon as possible.

Together, both the complainant, the Principal and the Executive Member can then take steps to attempt to resolve the problem at this level.

If the complainant determines it is not appropriate to raise the complaint with the Principal or if, after following that process, is dissatisfied with the manner in which their complaint was addressed then the complainant shall address their complaint, in writing, to the Chairman of the Board of Directors ([chairman@mfac.edu.au](mailto:chairman@mfac.edu.au)).

### **Complaints Concerning a Member/s of the Board of Directors**

If the complaint relates to the College Board or a member of the College Board then the complainant shall make the complaint in writing to the Chairman of the Board of Directors ([chairman@mfac.edu.au](mailto:chairman@mfac.edu.au)).

Together, both the complainant and Chair of the College Board can then take steps to attempt to resolve the problem at this level.

### **Complaints Concerning the Chairman of the Board of Directors**

If the complaint relates to the Chairman of the Board of Directors the complainant shall write to the Principal who will forward the correspondence to the Deputy Chairman of the Board.

## **PROVIDING SUPPORT**

Appropriate support should be offered to all parties involved in a complaint management process.

- Staff and volunteers may be referred to the Employee Assistance Program or like supports.
- Children and parents may be referred to local counselling and support services including the College Counsellor or Chaplain or other supports offered by the College.

## **PRIVACY AND CONFIDENTIALITY**

All information disclosed or recorded as part of a complaints management process must be managed in accordance with privacy legislation and principles. Prior to the sharing of information, consent must be obtained from the relevant parties involved in the complaints management process, unless otherwise allowed by law.

## **MANAGING COMPLAINTS RECORDS**

When recording information in relation to a complaints management process, ensure all records are factual and clearly indicate the names of all parties to the complaint, the details of the concerns or complaint, the processes used to resolve the complaint, required actions and responsible officers.

## **STORING AND ACCESSING COMPLAINTS RECORDS**

The Principal, or other member of the College Executive, must ensure all information and documents in relation to the complaint are stored on the relevant staff member or volunteer's personnel file.

Prior to giving any individual access to a complaint record, a staff member will consult with the Principal. The Principal will consider any need to consult with the Chair.

## APPENDIX 1 - DEFINITIONS

### **Complaint**

A complaint, for the purpose of this Policy and Procedures, is a report of a grievance, problem, difficulty or concern made in relation to:

- an action, behaviour, omission or decision by the Principal or another College staff member or volunteer; or
- the actions or behaviour of a visitor to the College.

### **Complainant**

Any person who makes the complaint or their parent/guardian.

### **Member of the College Executive**

A member of the College Executive who is an appropriate authority in the College includes:

- The Principal
- The Director of Business and Operations
- The Head of Secondary
- The Head of Primary

### **Principal**

Means the person occupying the position of College Principal.

### **Procedural fairness**

The right to be given a fair hearing and the opportunity to present one's case, the right to have a decision made by an unbiased decision-maker and the right to have that decision based on logically probative evidence.

### **Child Protection Policy**

The Child Protection Policy and accompanying Decision Trees detail how the College will respond to concerns of harm or risk of harm to a student, including the reporting to Child Safety when there is a reasonable suspicion a student is in need of protection, the reporting to Police when there is a reasonable suspicion a student has been or is at risk of being sexually abused, and the management of reasonable suspicions of inappropriate behaviour by a College staff member or volunteer towards a student.

Reference to sexual abuse in this context refers to sexual behaviour involving the student and another person where:

- the other person bribes, coerces, exploits, threatens or is violent toward the student; or
- the student has less power than the other person; or
- there is a significant disparity between the student and the other person in intellectual capacity or maturity.

Reference to sexual misconduct includes conduct constituting sexual abuse of a student, as well as any:

- alleged conduct by a staff member or volunteer, wherever or whenever occurring involving sexual harassment or assault, or sexually inappropriate behaviour, grooming, or the possession, making or distribution of child exploitation material;
- alleged inappropriate or unreasonable conduct or omission by a staff member or volunteer, who had knowledge of conduct of another worker involving sexual harassment or assault, or sexually inappropriate behaviour, grooming, or the possession, making or distribution of child exploitation material;
- conduct relating to an alleged process failure.

### **Visitor**

A visitor to the College is any person who visits the College on a one-off or regular basis to provide services [paid or unpaid] to the College and is not considered a staff member or volunteer. This includes contractors, consultants and presenters of one-off programs.

### **Volunteer**

Consistent with the Working with Children (Risk Assessment and Screening) Act 2000, a person undertaking work for a College without receiving financial reward. 'Undertaking work' is understood to mean holding a position or performing a function with the actual or apparent authority of the College.

Approved by: Board of Directors Date Approved: August 2023	Reference Code: ADM-028-POL-008 Next Review Due: August 2024
This policy may be updated or revised from time-to-time. The College will not notify you each time the policy is changed. If you are unsure whether you are reading the most current version, you should contact the Principal's Office.	